



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING /RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/015,456 01/29/98 YUFA

NN21/0810

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ROSENBERGER, R

2877

DATE MAILED: 06/10/99

NOTICE OF IMPROPER APPLICATION
No Filing Date Granted

The above-identified application was deposited as an application under 37 CFR 1.62; however, 37 CFR 1.62 practice has been abolished. Applications purporting to be an application under 37 CFR 1.62 are treated as having been filed under 37 CFR 1.53(d) as a continued prosecution application. The above-identified application does not meet the requirements of 37 CFR 1.53(d) to be accepted as a continued prosecution application for the reasons stated below:

- ☒ 1. The prior application is not a complete application (37 CFR 1.51 (b)) filed on or after June 8, 1995, or the national stage of a PCT international application in compliance with 35 U.S.C. 371 and filed on or after June 8, 1995. 37 CFR 1.53(d) requires that the prior application be a complete application (37 CFR 1.51(b)) filed on or after June 8, 1995, or the national stage of a PCT international application in compliance with 35 U. S. C. 371 and filed on or after June 8, 1995.
- ☐ 2. The application is a continuation-in-part application. 37 CFR 1.53(d) requires that a continued prosecution application be a continuation or divisional application, and does not permit the introduction of subject matter that would have been new matter in the prior application.

As the above-identified application cannot be accepted as an application under 37 CFR 1.53(d), applicant is advised to file a petition under 37 CFR 1.53(e) and \$130.00 petition fee (37 CFR 1.17(i)) to have the above-identified application accepted under 37 CFR 1.53(b). Unless the above-identified application was deposited with a complete specification, including claims, all drawings described in the specification and a signed oath or declaration in compliance with 37 CFR 1.63, the petition under 37 CFR 1.53(e) must also be accompanied by: (1) a true copy of the complete prior application as originally filed, including the specification, drawings and signed oath or declaration; (2) any amendments entered in the prior application; and (3) any amendments submitted but not entered in the prior application and directed to be entered in the 37 CFR 1.62 application papers. If the application is a continuation-in-part and was not filed with a newly executed oath or declaration in compliance with 37 CFR 1.63, the petition must also be accompanied by a signed oath or declaration in compliance with 37 CFR 1.63 and the surcharge required by 37 CFR 1.16(e).

In a continuation or divisional application, the true copy of the prior application as originally filed will constitute the original disclosure of the resulting application under 37 CFR 1.53(b), and any amendments entered in the prior application or not entered in the prior application but directed to be entered on the filing date of the above-identified application will be entered in the resulting application under 37 CFR 1.53(b), but will be considered for new matter under 35 U.S.C. 112, first paragraph, and 132. In a continuation-in-part application, the true copy of the prior application, any amendments entered in the prior application or not entered in the prior application but directed to be entered on the filing date of the above-identified application, and any preliminary amendment submitted with the 37 CFR 1.62 application papers will constitute the original disclosure of the resulting application under 37 CFR 1.53(b).

Any assertion that the above-identified application may be accepted as an application under 37 CFR 1.53(d), or any request to have the above-identified application accepted as an application under 37 CFR 1.53(b), **must** be by way of petition under 37 CFR 1.53(e) directed to the attention of the Office of Petitions. Any such petition must be accompanied by the \$130.00 petition fee (37 CFR 1.17(i)). If the petition alleges that no defect exists, a request for refund of the petition fee may be included in the petition. A petition under 37 CFR 1.53(e) as discussed above **must** be submitted within **TWO MONTHS** of the date of this notice (37 CFR 1.181(f)) or the application may be returned or otherwise disposed of and the filing fee, if submitted, will be refunded less the \$130.00 handling fee (37 CFR 1.21(n)). **THIS TIME LIMIT MAY NOT BE EXTENDED PURSUANT TO 37 CFR 1.136.**

A copy of this notice MUST be returned with the reply.

Direct the reply and any questions about this notice to:

Meredith Stanley
Examining Group 2800

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